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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,789	12/31/2003	William Roger Core	005781.00008	1014

28827 7590 07/28/2005

GABLE & GOTWALS  
100 WEST FIFTH STREET, 10TH FLOOR  
TULSA, OK 74103

EXAMINER
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BOLES, DEREK

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,789

Applicant(s)

CORE, WILLIAM ROGER

Examiner

Derek S. Boles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☒ Claim(s) 1-3 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (6,458,028) in view of Weck (5,016,525). Snyder discloses all of the limitations of the claim(s) except for the diffuser being a generally planar, integral, circular structure formed of thin, rigid material and having a circumferential outer edge and a central opening dimensioned to accommodate an electrical junction box, and having a plurality of radially extending fins, each bent to extend at a common angle to the plane of the structure and a radially extending air slot opening in conjunction with each fin. Weck discloses the presence of a generally planar, integral, circular structure formed of thin, rigid material and having a circumferential outer edge and a central opening dimensioned to accommodate an electrical junction box, and having a plurality of radially extending fins, each bent to extend at a common angle to the plane of the structure and a radially extending air slot opening in conjunction with each fin. See fig. 2. Hence, one skilled in the art would find it obvious to modify the system of Snyder to include the generally planar, integral, circular structure formed of thin, rigid material and having a circumferential outer edge and a central opening dimensioned to accommodate an electrical junction box, and having a plurality of radially extending fins, each bent to extend at a common

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angle to the plane of the structure and a radially extending air slot opening in conjunction with each fin of Weck for the purpose of better airflow direction. See col. 2, lines 35-45 of Snyder.

Claim(s) 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of Weck and in further view of Pellegrino. Snyder in view of Weck discloses all of the limitations of the claim(s) except for a smudge ring. Pellegrino discloses the presence of a smudge ring. See 20. Hence, one skilled in the art would find it obvious to modify the system of Snyder in view of Weck to include a smudge ring of Pellegrino for the purpose of dust prevention.

Claim(s) 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of Weck and in further view of Cook (6,168,517). Snyder in view of Weck discloses all of the limitations of the claim(s) except for a circular cap that covers a central opening in the diffuser. Cook discloses the presence of a circular cap that covers a central opening in the diffuser. See col. 8, lines 19-27. Hence, one skilled in the art would find it obvious to modify the system of Snyder in view of Weck to include a circular cap that covers a central opening in the diffuser of Cook for the purpose of aesthetics.

Claim(s) 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of Weck and in further view of Core (6,030,287). Snyder in view of Weck discloses all of the limitations of the claim(s) except for a planar damper configured to removably cover a preselected number of the radially extending air slot openings to providing means of selectably regulating the slot openings and bendable clips being fixed at one end to the circular structure. Core discloses the presence of a planar damper configured to removably cover a preselected number of the radially extending air slot openings to providing means of selectably regulating

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the slot openings and bendable clips being fixed at one end to the circular structure. See **150a**. Hence, one skilled in the art would find it obvious to modify the system of Snyder in view of Weck to include a planar damper configured to removably cover a preselected number of the radially extending air slot openings to providing means of selectably regulating the slot openings and bendable clips being fixed at one end to the circular structure of Core for the purpose of ease of removing.

Further, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

***Allowable Subject Matter***

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (571) 272-4872.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

D.S.B.

  
**DEREK S. BOLES**  
**PRIMARY EXAMINER**  
**GROUP 3700**

7/23/05